

REMARKS

REJECTIONS UNDER 35 U.S.C. § 112

Claims 32, 40, 49, and 59 were rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. Claims 32, 40, 49, and 59 have been amended to delete the limitation “during the session.” Therefore, the rejection of these claims is moot. The arguments related to this limitation are withdrawn.

REJECTIONS UNDER 35 U.S.C § 103

Claims 32-33, 40-41, 43, and 49-50

Claims 32-33, 40, 43, 49-50 and 59 were rejected under 35 U.S.C. § 103(a) over U.S. Patent No. 6,522,880 issued to Verma et al. (*Verma*) in view of U.S. Patent Publication No. 2002/0174194 attributed to Mooney et al. (*Mooney*).

The Office action acknowledges that Verma fails to teach:

determining whether the received request is a request for a new session or a request to handoff an existing session from a second basestation; and
generating, if the received request is a request for a new session, a communication session identifier that uniquely identifies the session and accompanies the subscriber unit's access through any of a plurality of basestations

Mooney is cited to compensate for the failure of Verma to teach these limitations. The office action apparently cites to Mooney at paragraphs 0139 – 0141 to teach “determining whether the received request is a request for a new session or a request to handoff an existing session from a second basestation.” The office action paraphrases the cited portion of Mooney as “determining whether [the] session ID [exists] or not in the request.” Thus the office action

acknowledges that Mooney as cited fails to teach, among other things “a request to handoff an existing session” and “a second base station.” Therefore, Mooney does not compensate for the deficiencies of Verma. As stated in the previous response, Mooney relates to providing access to message accounts from a single web-based interface and does not relate to wireless communication environments.

A careful reading of Mooney as cited reveals that an HTTP client 1012 sends merely a login request 1200 *without a client ID* to HTTP protocol engine 1024. According to Mooney, the HTTP protocol engine 1024 sends a request to a session ID 1214 to the HTTP client 1012 in order to obtain a no session ID 1220 (Fig. 14) if there is no session and a session ID 1320 if there is an existing session (Fig. 15). Therefore, the login request 1200 does not include a client ID. Despite the assertion in the office action that Verma performs “determining whether session ID exists or not in the request,” Verma explicitly teaches receiving a session ID separately and not “in the request.” Even if Verma was modified by Mooney as suggested in the office action, the combination would teach receiving a login request 1200 without a session ID and thus subsequently receiving a session ID separately from the login request 1200. As a result, the combination of Verma and Mooney does not teach, among other things, “determining whether the received request is a request for a new session or a request to handoff an existing session from a second basestation.” As such, the office action has failed to establish a prima facie case of obviousness. Applicant maintains that the subject matter of claims 32-33, 40, 43, 49-50 and 59 would not have been obvious to one of ordinary skill in the art in light of *Verma* combined with *Mooney* for at least the reasons described above.

As stated above, *Mooney* requires that the login request 1200 includes neither the session ID 1320 nor the no session ID 1220, and such a request session ID is required separate from the

login request 1200. However, Verma as cited does not request a session ID from the mobile node 20. If Verma is modified by Mooney as suggested in the office action, then the tunnel initiator 240 would request a session ID from the mobile node 20 although the tunnel initiator 240 would already have received a broadcast user moved message. (Mooney, Col. 6, lines 2-23). Such a modification would be redundant, since Verma already received a broadcast message and thus would change the principle of operation of Verma. (2143.01 VI “The proposed modification cannot change the principle of operation of a reference”). If Verma is modified as suggested in the office action, then the additional time to transmit the session ID request and receive a response would increase and further add processing time and thus would result in disruptions of the data connection that Verma explicitly seeks to avoid. (Vera, col. 5 lines 49-53). (2143.01 V “The proposed modification cannot render the prior art unsatisfactory for its intended purpose”). For at least these reasons, the office action has failed to establish a prima facie case of obviousness.

Claim 33 depends from claim 32. Claim 43 depends from claim 40. Claim 50 depends from claim 49. Given that dependent claims necessarily include the limitation of the claims from which they depend, Applicant submits claims 33, 43 and 50 are not obvious in view of *Verma* and *Mooney* for at least the reasons described above.

Dependent Claims 34-39, 42, 44-48, 53, and 60-63

Claims 34-39, 42, 44-48, 53, and 60-63 were rejected under 35 U.S.C. § 103(a) as being unpatentable over *Verma* and *Mooney*, and further in view of various other cited references. Applicant repeats the arguments above including those showing that *Verma* and *Mooney* cannot be modified and even if combined do not teach each and every claim element. The other cited references are not cited for teaching the elements that *Verma* and *Mooney* are cited to.

Applicant respectfully submits that these claims are not rendered obvious by the cited references for at least the following reasons. As to the remaining claims, each of the rejections made above is based on the application of *Verma* and *Mooney*, shown above to be defective with respect to the independent claims 32, 40 and 49 from which each of the above-listed dependent claims depends. The cited references do not cure the deficiencies of *Verma* and *Mooney* noted above with respect to the independent claims. Applicants respectfully submit that a prima facie case of obviousness under MPEP § 2143 has not been established with respect to independent claims 32, 40 and 49, at least for failing to establish that the cited references disclose every element of the claimed invention. Because the independent claims are nonobvious, the dependent claims are also nonobvious.

CONCLUSION

For at least the foregoing reasons, Applicant submits that the claims contain allowable subject matter and are in condition for allowance. Such action is earnestly solicited. The Examiner is respectfully requested to contact the undersigned by telephone if such contact would further the examination of the present application.

Please charge any shortages and credit any overcharges to our Deposit Account number 02-2666.

Respectfully submitted,



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